

House Bill 1092
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 30.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [he] enters or remains on or in property, including a recreational vehicle park or an aircraft or other vehicle, of another without effective consent or the person [he] enters or remains in a building of another without effective consent and the person [he]:

- (1) had notice that the entry was forbidden; or
- (2) received notice to depart but failed to do so.

SECTION 2. Section 30.05(b), Penal Code, is amended by adding Subdivision (8) to read as follows:

(8) "Recreational vehicle park" means a tract of land that has rental spaces for two or more recreational vehicles, as defined by Section 522.004, Transportation Code.

No equivalent provision.

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Same as House version.

Same as House version.

SECTION __. Chapter 30, Penal Code, is amended by adding Section 30.07 to read as follows:

Sec. 30.07. TRESPASS ON DOCKING PLACE. (a) In this section:

(1) "Docking place" includes a pier, wharf, dock, slip, slipway, or any other man-made landing area for ships, boats, or other watercraft.

(2) "Enter" means to intrude:

(A) any part of the body; or

(B) any physical object connected with the body.

(3) "Notice" means:

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- (A) oral or written communication by the owner or someone with apparent authority to act for the owner;
- (B) fencing or other enclosure obviously designed to exclude intruders from the docking place; or
- (C) a sign or signs posted on a docking place or at the entrance to a docking place, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.
- (b) A person commits an offense if the person:
 - (1) enters the docking place of another without the effective consent of the owner or lessee of the docking place; and
 - (2) after receiving notice that entry is forbidden, remains in, on, or attached to the docking place.
- (c) A person commits an offense if the person, after receiving notice that entering a docking place is forbidden, anchors, ties up, moors, or otherwise makes stationary the actor's ship, boat, or other watercraft at a place or in a manner that eliminates another's ingress or egress from the docking place.
- (d) An offense under this section is a Class B misdemeanor.
- (e) The defense provided by Section 30.05(c) applies to an offense under this section.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this

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Act if any element of the offense occurs before the effective date. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2007.

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Same as House version.

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